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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,085	09/30/2003	Moshe Valenci	P16577	5067

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EXAMINER

CLOUD, JOIYA M

ART UNIT	PAPER NUMBER
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2144

MAIL DATE	DELIVERY MODE
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07/02/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/675,085

Applicant(s)

VALENCI, MOSHE

Examiner

Joiya M. Cloud

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2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09/30/2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>06/11/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the application filed on September 30, 2003. Claims 1-27 represent Method, System, and program for maintaining a link between two network entities.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-27** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Freimuth et al.** (US Publication No. 2005/0050187 A1) in view of **Jha et al.** (U.S. Publication No. 2004/0249881 A1, hereinafter **Jha**).

As per claim 1, Fre discloses the invention substantially as claimed. Fre teaches a method for maintaining a link between a first network entity and a second network entity, wherein the first network entity includes a network adapter, comprising: determining, with the network adapter (**paragraph [0020], [0045], [0059] Abstract Figure 2, item 210**).

However, Fre does not explicitly a driver to perform the such, checking whether the driver was loaded before a link-shutdown timer expired, wherein the link-shutdown timer is associated with the link; continuing processing without dropping the link, with the network adapter, in response to the driver being loaded before the link-shutdown timer expired; and

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dropping the link, with the network adapter, in response to the driver not being loaded before the link-shutdown timer expired.

Jha teaches a driver (**Figure 1, item 119**) to perform the such, whether the driver was loaded before a link-shutdown timer expired (**paragraphs [0106] and [0108]**), wherein the link-shutdown timer is associated with the link; continuing processing without dropping the link, with the network adapter, in response to the driver being loaded before the link-shutdown timer expired (**paragraphs [110], [0108], [0123]**); and dropping the link, with the network adapter, in response to the driver not being loaded before the link-shutdown timer expired (**paragraphs [110], [0108], [0123]**).

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporate Fre's teachings to the teachings of Jha, for the purpose of providing a means for uploading packet sequence to "receive frames" or maintain a connection (**paragraph [0074] and [0076]**).

As per claim 2, Fre-Jha teaches a method further performing: determining, with the network adapter, whether a register has a value indicating that the driver has been loaded (**Jha: paragraph [0016]**). Refer to claim 1 for motivational statement.

As per claim 3, Fre-Jha teaches a method further performing: determining, with the network adapter, whether the link-shutdown timer has expired; and periodically determining, with the network adapter, whether the driver was loaded in response to determining that the link-shutdown timer has not expired (**Fre: paragraphs [0045] and [0059]**). Refer to claim 1 for motivational statement.

As per claim 4, Fre-Jha teaches a method further performing determining, with the network adapter, whether the link-shutdown timer has expired; and periodically determining, with the network adapter, whether the driver was loaded in response to the driver not being loaded and the link-shutdown timer not having expired (**Fre: paragraphs [0045] and [0059]**). Refer to claim 1 for motivational statement.

As per claim 5, Fre-Jha teaches a method implemented in a driver executing in a first network entity for maintaining a link between the first network entity and a second network entity, wherein the driver performs: starting a link-shutdown timer for dropping a link (**Jha: paragraph [0061]**); upon being reloaded, determining whether the link is available; and continuing processing without renegotiating the link in response to the link being available (**Fre: paragraphs [0045] and [0059]**). Refer to claim 1 for motivational statement.

As per claim 6, Fre-Jha teaches a method wherein the driver further performs renegotiating the link in response to the link being available (**Fre: paragraph [0039], where state is reestablished to resume processing**). Refer to claim 1 for motivational statement.

As per claim 7, Fre-Jha teaches a method wherein the driver further performs: determining, whether flow control is enabled; and sending an indicator to the second network entity to indicate that the second network entity is to stop sending data packets to the first network entity in response to flow control being enabled (**Fre: paragraph [0044]**). Refer to claim 1 for motivational statement.

As per claim 8, Fre-Jha teaches a method wherein after the driver is reloaded, the driver further performs: determining whether flow control is enabled; and sending an indicator to the

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second network entity to indicate that the second network entity is to start sending data packets to the first network entity in response to flow control being enabled (**Fre: paragraphs [0039], [0045] and [0059]**). Refer to claim 1 for motivational statement.

As per claim 9, Fre-Jha teaches a method further performing: when the driver is reloaded, disabling the link-shutdown timer in response to the link-shutdown timer being enabled and not being expired (**Jha: paragraph [0109]**). Refer to claim 1 for motivational statement.

As per claims 10-13, claims 10-13 lists all the same elements as claims 1-4, but in system form rather than method form. Therefore, the rejection for claims 1-4 applies equally as well to claims 10-13.

As per claims 14-18, claims 14-18 lists all the same elements as claims 5-9, but in system form rather than method form. Therefore, the rejection for claims 5-9 applies equally as well to claims 14-17.

As per claims 19-22, claims 19-22 lists all the same elements as claims 1-4, but in article of manufacture form rather than method form. Therefore, the rejection for claims 1-4 applies equally as well to claims 10-13.

As per claims 23-27, claims 23-27 lists all the same elements as claims 5-9, but in article of manufacture form rather than method form. Therefore, the rejection for claims 5-9 applies equally as well to claims 23-27.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joiya Cloud whose telephone number is 571-270-1146. The examiner can normally be reached Monday to Friday from on 7:30am-5:00pm.

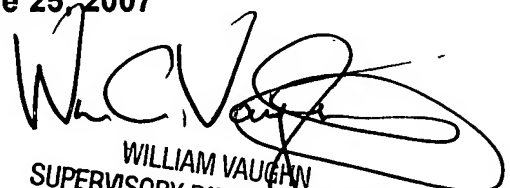
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3922. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JMC

William J. Vaughn

Supervisory Patent Examiner

June 25, 2007


WILLIAM VAUGHN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100